

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TAPCO UNDERWRITERS, INC.,

Plaintiff,

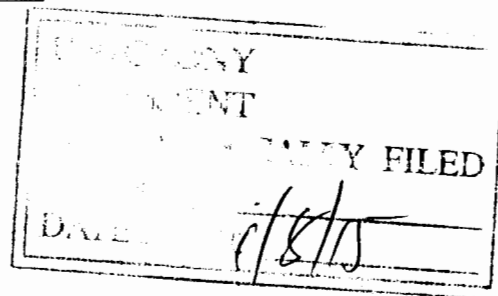
-v-

CATALINA LONDON LTD.,

Defendant.
-----X

14-cv-8434 (JSR)

ORDER



JED S. RAKOFF, U.S.D.J.

Before the Court are cross-motions for summary judgment filed by plaintiff Tapco Underwriters, Inc. ("Tapco") and defendant Catalina London Ltd. ("Catalina"). After reviewing the parties' submissions and hearing oral argument, the Court finds that it is unable to resolve the pending motions on the present record. Accordingly, on June 19, 2015, the Court will hold an evidentiary hearing pursuant to Federal Rule of Civil Procedure 43(c) to explore the state of the evidence as to whether the contract between the parties was in effect jointly modified or jointly construed by the parties during any relevant period in a way bearing on the issues raised by the summary judgment motions. Each party shall produce a 30(b)(6) witness prepared to address these issues.

In the absence of a dispositive order following this hearing, trial will commence as scheduled on July 7, 2015.

SO ORDERED.

Dated: New York, NY
June 5, 2015


JED S. RAKOFF, U.S.D.J.